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Agenda items 15, 32 and 40

The situation in the Middle East

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Security Council
Sixty-fifth year

Identical letters dated 5 January 2010 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instruction from my Government, I have the honour to transmit herewith a letter from the Minister for Foreign Affairs of the Syrian Arab Republic, Mr. Walid Al Moualem, dated 3 January 2010, addressed to Mr. Ban Ki-moon, the Secretary-General, and Mr. Zhang Yesui, President of the Security Council, regarding the recent Israeli violations in the Occupied Syrian Golan (see annex).

I would highly appreciate it if the present letter and its annex were circulated as a document of the General Assembly, under agenda items 15, 32 and 40, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

* Reissued for technical reasons.

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Annex to the identical letters dated 5 January 2010 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

Even as the international community, the United Nations and all peace-loving States are urging Israel to resume peace talks and respond to demands to implement international resolutions calling for its withdrawal from all occupied Arab territories to the lines of 4 June 1967, the Israeli Government, in continuation of the violations being carried out by the Israeli occupation forces in the Syrian Arab Golan, and in further implementation of its policy of fait accompli through the seizure of territory by force, has embarked on a plan to appropriate and Judaize even more Syrian territory in the occupied Syrian Arab Golan. These new measures send a provocative message to the Syrian Arab Republic and other States that are striving to achieve peace in accordance with relevant United Nations resolutions.

An example of these new measures was the solicitation by Israel, the occupying Power, of competitive bids in relation to the sale of 11 residential buildings in the village of Ain Qunyah in the occupied Syrian Golan. One of the conditions of the bidding, which was open from 16 November to 16 December 2009, was that preference should be given to army veterans recommended by the Israeli Ministry of Defence.

Such a condition sets a dangerous precedent that threatens to alter the demographic makeup of the occupied Syrian Golan. This is in addition to ongoing Israeli practices that have brought about a serious deterioration in the human rights situation in occupied Arab territories, including the occupied Syrian Golan.

However, Israel, not content with that sale alone, has also reaffirmed its blatant defiance of the desire of the international community, including its allies and friends, to achieve a comprehensive peace in the region, in accordance with internationally recognized resolutions and the principle of land for peace. On 9 December 2009, the Israeli Knesset passed a bill requiring that implementation of any peace agreement resulting in Israeli withdrawal from occupied East Jerusalem or the occupied Syrian Golan must be approved by 80 per cent of all Israelis in a referendum. That bill has no legal validity because it conflicts with international law and international resolutions affirming the inadmissibility of the acquisition of territory by force. It also confirms that Israel will persist in defying the entire world by rejecting peace, and that any expressions of a desire for peace on the part of its Government are merely political manoeuvres and ploys.

These measures threaten to undermine the peace process. They make clear that there is a new campaign under way to confiscate land and tighten the siege imposed on the Syrian inhabitants of the occupied Golan, in violation of international laws and United Nations resolutions, including Security Council resolution 497 (1981), in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void. These measures also demonstrate Israel's non-compliance with international legal requirements and United Nations resolutions, the most recent of which was General Assembly resolution 64/21 of 2 December 2009 on the occupied Syrian Golan,

which reaffirmed the inadmissibility of the acquisition of territory by force, in accordance with international law and the Charter of the United Nations and the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Syrian Golan.

Ongoing Israeli violation of international law is the most prominent evidence of the policy of aggression being pursued by the Israeli Government, and of the intention of Israeli decision makers to wage war on the peace process and to resist the efforts of the United Nations and the international community to bring about a just and comprehensive peace in the region. It also affirms that there is no Israeli partner willing to engage seriously in a peace process based on the principles of international law and relevant United Nations resolutions. Since the start of the peace talks that followed the 1991 Madrid Peace Conference, all Israeli heads of government have committed themselves to a full withdrawal from the Golan to the line of 4 June 1967. The present Israeli Government is well aware that the Syrian Arab Republic will not resume indirect talks under Turkish mediation as long as the head of that Government, Benjamin Netanyahu, does not commit to a full withdrawal from the Golan. The return to the Syrian Arab Republic of its occupied territory is not open to negotiation. It is a right affirmed by United Nations resolutions.

The failure to bring meaningful international pressure to bear on Israel to implement Security Council resolution 497 (1981) only encourages Israel to delay compliance with that resolution and all other relevant United Nations resolutions.

(Signed) Walid **Al-Moualem**
Minister for Foreign Affairs of the Syrian Arab Republic